

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK

HERBALIST & ALCHEMIST, INC.,

Plaintiff,

v.

ALURENT PRODUCTS, INC. and WILL
CLARENT,

Defendants.

CIVIL ACTION NO. 16-CV-9204 (ER)

**DECLARATION OF BENJAMIN A. COSTA IN SUPPORT OF NON-PARTY LET'S
ENCRYPT'S MEMORANDUM OF LAW IN RESPONSE TO ORDER TO SHOW
CAUSE.**

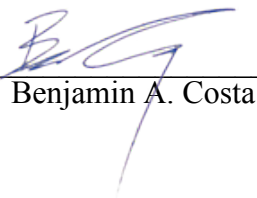
I, Benjamin A. Costa, declare and state as follows:

1. I am a member of the State Bar of California and a partner of Ridder, Costa & Johnstone LLP, attorneys of record for non-party Let's Encrypt. The facts contained in this declaration are known personally to me and, if called as a witness, I could and would testify competently thereto under oath.
2. Attached hereto as Exhibit A is a true and correct copy of the webpage web.archive.org/web/20161110152300/https://herbal-chemist.com/privacy-policy, as captured on August 7, 2017, showing the Internet Archive copy of the herbal-chemist.com/privacy-policy webpage, as that webpage appeared on November 10, 2016.
3. Attached hereto as Exhibit B is a true and correct copy of the webpage letsencrypt.org/documents/isrg-cps-v2.0, as captured on August 7, 2017, showing Let's Encrypt's current Certification Practice Statement.
4. Between May 25, 2017, and June 9, 2017, Let's Encrypt – on its own the through counsel – communicated via email with counsel for Plaintiff. Attached hereto as Exhibit C is a true and correct copy of that email chain, and the document sent by counsel for Plaintiff as an attachment to their email of May 25, 2017.

5. Attached hereto as Exhibit D is the domain validation (“DV”) certificate for herbal-
alchemist.com, issued by Let’s Encrypt.

I swear under penalty of perjury under the laws of the United States that the foregoing is true.

Date: August 7, 2017



Benjamin A. Costa

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants. As agreed between Let's Encrypt and Plaintiff, an electronic copy of this document will also be served on counsel for Plaintiff via email.

August 7, 2017

/s/
Warren Stramiello